

Wetlands

... and their importance

Wetlands associated with rivers and lakes receive water from overbank flooding and are transitional areas between water and land. Isolated wetlands are not associated with a body of water and receive water from rainfall, runoff, or groundwater. Tidal wetlands receive water from the rise and fall of the tide. All wetlands have water-logged soils which support plants able to live in wet soils.

Wetlands perform many beneficial functions:

- * Wetlands provided floodwater storage, water quality improvement, shoreline protection, and erosion control.
- * Wetlands provide wildlife habitat which aids in maintaining fisheries, waterfowl, and other wildlife populations by serving as breeding grounds and nursery areas.
- * Wetlands are also an important recreational and educational resource.

South Carolina has approximately 4.5 million acres of tidal and freshwater wetlands which is 23% of the State's land surface and is 12% of the wetlands in the southeastern United States. Estimates indicate 90,000 acres of coastal and freshwater marsh and 3 million acres of wooded wetlands. There are close to one million acres of isolated wetlands.

In South Carolina wetlands are waters of the State; the S.C. Pollution Control Act defines waters very broadly: "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction."

This definition names specific wetlands - marshes, which may be freshwater or saltwater - and also includes all wetlands with the phrase "all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt"...

How Wetlands Are Regulated in South Carolina

Federal Program

Since the enactment of the Federal Clean Water Act, the U.S. Army Corps of Engineers has issued permits to discharge material into waters of the United States which includes wetlands. As the lead agency permitting activities in wetlands, the Corps of Engineers determines what areas are wetlands subject to regulation. Permits may be necessary for road construction, boat ramps, and commercial development. Most agricultural and forestry activities are exempt.

State Involvement in Wetlands Protection

Many states have a wetlands permitting program to augment the Federal program; South Carolina does not. In South Carolina, several State programs which regulate activities in wetlands are tied to the Federal permitting program. The Bureau of Water must issue water quality certification for every federal permit which results in a discharge to State waters. This includes all permits issued by the Corps of Engineers for discharge into wetlands - wetlands as determined by the Corps. Regulation 61-101 entitled Water Quality Certification directs the Department in processing applications for certification.

DHEC's Office of Ocean and Coastal Resource Management (OCRM) must certify that any Federal action is consistent with

State's coastal zone management plan. Activities in tidal wetlands require a permit from OCRM.

To minimize overlap, the water quality certification, coastal zone certification, or OCRM permit are processed as one action. None of these State actions duplicates the Federal permit. In fact, both the water quality certification and coastal zone certification are Federally authorized prerequisites to the Federal permit. The Federal permit cannot be issued if the State certification or permit is denied.

The Bureau of Water issues NPDES permits to facilities to discharge wastewater to State waters including wetlands. Wastewater discharges to wetlands are evaluated to assure no significant adverse changes in the chemical, physical, or biological characteristics of the receiving wetlands consistent with the antidegradation rule of State water quality standards.

Since July 1994, the Bureau of Water has been administering a permitting program for construction in State navigable waters. This program was formerly administered by the South Carolina Water Resources Commission for the South Carolina Budget and Control Board. Jurisdiction for this program includes the bottom of all navigable waters and adjacent wetlands below the ordinary high water mark. Consequently, this program includes very few wetlands.

EPA Wetland Program Development Grants Awarded to DHEC

The Bureau of Water has received several grants from the U. S. Environmental Protection Agency to enhance wetlands protection efforts within the State. We explored development of a classifications and standards system for wetlands with a technical advisory committee. We have not proposed to adopt this system. If the regulated community and the public believe wetlands standards would be beneficial, this system would augment the current water classifications and standards system to ensure fair and predictable protection of the State's wetlands through Clean Water Act programs. Other EPA wetlands grants have allowed development of data layers for a Geographic Information System and incorporation of wetlands issues into the Bureau's Watershed Water Quality Management program.

DHEC's Consensus-Building Effort

Recognizing that varying levels of knowledge and appreciation of wetlands exist as well as differences of opinion as to the degree of protection needed for wetlands, the Bureau of Water received a grant from EPA in 1993 to develop consensus for statewide wetlands protection mechanisms.

A steering committee was convened comprised of key stakeholders in South Carolina's wetlands issues to ensure all concerns are addressed. This included development, agriculture, and forestry interests, environmental conservation groups, local governments, and State and Federal agencies.

The steering committee assisted the Department in selecting a team of experts from the University of Virginia who are trained in environmental negotiation. The team worked objectively and without bias with the steering committee and other groups targeted by the steering committee.

Working through the facilitator with the group of key stakeholders, we gained general consensus on the needs and direction of wetlands protection efforts in South Carolina. Knowledge gained during this process may direct the Department in determining its role in wetlands protection efforts.

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